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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 004040

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TAGS: [PGOV](#) [PINS](#) [PINR](#) [RP](#)

SUBJECT: END GAME FOR IMPEACHMENT EFFORT DRAWS NEAR AS
HOUSE COMMITTEE REJECTS FINAL COMPLAINT

REF: A. MANILA 4019

- [1](#)B. MANILA 3994
- [1](#)C. MANILA 3901
- [1](#)D. MANILA 3391
- [1](#)E. MANILA 3154

Classified By: Acting Pol/C Joseph L. Novak for
reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: The pro-Arroyo Majority in the House Justice Committee voted down the final impeachment complaint left standing against President Arroyo late August 31. The Committee voted overwhelmingly to reject the complaint on the grounds that it lacked substance (the Committee had already rejected two other complaints, including one filed by the Opposition, on technical grounds). The Committee is now working on its final report which it plans to present to a plenary session of the House on September 5. The Opposition is trying to overturn the Committee's actions by collecting the requisite endorsements so that its complaint can earn a referral to the Senate. It is also investigating legal avenues. With few options left, the end game for the Opposition's impeachment effort seems in sight. End Summary.

Majority Votes Down Last Complaint

[1](#)2. (U) Late August 31, the Justice Committee of the Philippine House of Representatives decisively rejected the third and final impeachment complaint against President Arroyo. After having rejected two other impeachment complaints, including a comprehensive one filed by the Opposition, on technical grounds (refs a-b), the Committee proceeded to consider the last remaining complaint which had been filed by private citizen Oliver Lozano. Voting 46 to 0, the Committee found that the complaint had followed appropriate procedures and was sufficient as a matter of format. Voting 49 to 1 with 2 abstentions, the Committee then rejected the complaint for "lack of substance." In comments made before the vote, pro-Arroyo Congressman Luis Villafuerte argued that the Lozano complaint was based solely on tapes made via wiretaps, which had been done illegally and were inadmissible in any House proceedings. (Note: The tapes contained a host of material, including conversations between President Arroyo and a then-electoral official in [1](#)2004. End Note.) Other representatives argued that the Lozano complaint dealt with some matters that took place before Arroyo assumed office in 2001, which was not appropriate. Due to their ongoing walkout, there were virtually no Opposition members in the Committee hearing room at the time of the votes.

[1](#)3. (C) The Committee's hearings on the impeachment complaints are now over. It is now scheduled to draw up a report in the next several days and present that report to the House meeting in plenary session late September 5. The House will then decide whether to accept the Committee's findings or to overturn them in whole or in some other manner. In a September 1 conversation with Acting Pol/C, Congressman Villafuerte predicted that the House would "decisively support" the Justice Committee's recommendations when it meets early next week. He added that "the whole impeachment matter should be wrapped up before the House goes on recess" on September 8. (Note: The House and the Senate are on recess from September 9-18. End Note.)

Opposition's Dwindling Options

[1](#)4. (U) The Opposition is moving forward with two remaining options: the first involves a bid to overturn the Committee's results and the second involves legal avenues. With a great sense of urgency, pro-impeachment lawmakers are frantically scrambling to try to gather the 79 or more endorsements needed (one-third of the House membership) to meet the criteria for a reference of the Opposition's comprehensive impeachment complaint to the Senate by next week's plenary (and thus overturn the Justice Committee's finding). If the Opposition fails to reach this number, the

Committee's ruling will stand and the impeachment proceedings in the House as a whole will effectively be over.

15. (C) With regard to the numbers game, anti-Arroyo Representative Edmund Reyes told the Committee on August 31 that the Opposition now has about 73 endorsements. He asserted that 23 of the members who made endorsements did not want to identify themselves at this time, preferring to remain anonymous until the Opposition obtains the 79 needed signatures. If this is true, the Opposition would still need an additional six signatures by September 5 in order to request that its complaint be sent to the Senate. Pro-Arroyo lawmakers contend that the Opposition has considerably less support and some in the Majority have made clear that they will fight over every name on the endorsement list if the Opposition claims that it has the requisite support. In a September 1 conversation, Charlie Serapio, a pro-Opposition lawyer, told Acting Pol/C that he thought that the anti-Arroyo side was "coming very close" to the figure of 79 endorsements, but he provided no other details.

16. (U) The Opposition is also moving forward with possible legal remedies. A pro-Opposition private citizen filed a petition with the Supreme Court on August 31 requesting that a temporary restraining order be slapped on the impeachment proceedings. The petition asserts that the Majority's action were unconstitutional and not in compliance with the House's own rules. It is not clear when the Supreme Court will rule on this petition. Another private citizen linked with the Opposition has also said that he plans to file a petition with the Supreme Court after the Justice Committee submits its report to the House on September 5.

Comment

17. (C) The end game for the Opposition's impeachment effort is quickly drawing near. At this point, the Opposition either gets the needed 79 or more votes in the House plenary or it closes up shop in reference to impeachment (the Opposition is not really counting on the legal avenue). Observers have commented on the quick work that the Majority has made of the Opposition's impeachment effort. Some commentators have speculated (probably with great accuracy) that the Majority is moving quickly at the behest of Arroyo who wants the deck clear of all impeachment charges ahead of her upcoming trip to the U.S. for UNGA and Saudi Arabia.

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